

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/667,168	PORTER, FRED C.
	Examiner Ha D. Ho	Art Unit 3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment filed 9/13/05.
2.  The allowed claim(s) is/are 1-7, 9-14, 16-19, 21-24 and 26-34.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Rettig on 11/04/05.
3. During the interview, applicant agreed to amend claims 1, 7 and 14 to clarify the scope of the invention, and amend claim 26 to correct the informality. The application has been amended as follows:
  - Claim 1, the last line, --by said electric motor-- have been inserted after "driven".
  - Claim 7, the last line, --from said electric motor-- have been inserted after "delivered".
  - Claim 14, the last line, --from said electric motor-- have been inserted after "transferred".
  - Claim 26, line 2, "rear and rear" have been changed to --front and rear--.
4. The following is an examiner's statement of reasons for allowance:

Claims 1, 7 and 14 have been amended to overcome the prior art. Claims 19, 21-24 and 26-34 were indicated allowable.

The prior art of record does not disclose or render obvious a motivation to provide for a transfer case including a rear output shaft adapted to deliver drive torque from a power source to a rear driveline, a front output shaft connected to a front driveline, and an electric motor for driving the front output shaft as defined by the limitations of claims 1, 7, 14, 19, 21, 22, 26 and 27; wherein in an electric operating mode, the electric motor is actuated to drive the front output shaft while no power is transferred from the electric motor to the rear output shaft as defined by the limitations of claims 1, 7 and 14; wherein in a two-wheel drive electric operating mode, a mode clutch is released and the electric motor is actuated to drive the front output shaft as defined by the limitations of claims 19, 21 and 22; wherein the electric motor can be selectively actuated for driving the front output shaft only as defined by the limitations of claim 26; wherein a reduction unit having an input member fixed to the front output shaft, and the electric motor selectively drives the front output shaft through an output member of the reduction unit as defined by the limitations of claim 27.

The prior art of record does not disclose or render obvious a motivation to provide for a transfer case including a first output shaft adapted to deliver drive torque from a power source to a rear driveline, a second output shaft connected to a second driveline, and an electric motor for driving the second output shaft, wherein in a two-wheel drive electric operating mode, a mode clutch is released and the electric motor is actuated to drive the second output shaft as defined by the limitations of claims 32-34.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha D. Ho whose telephone number is 571-272-7091. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HDH  
(571) 272-7091  
November 4, 2005

*Ha Ho*  
**HAHO**  
**PRIMARY EXAMINER**  
Art Unit 3681      *11/04/05*